

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

GARY RAY SPEARS,

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Petitioner,

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vs.

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CASE NO. 3:12-CV-96 (CDL)

CLAY TATUM,

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28 U.S.C. § 2254

Respondent.

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ORDER ON RECOMMENDATION OF DISMISSAL

After a *de novo* review of the record in this case, the Recommendation of Dismissal of the United States Magistrate Judge filed May 24, 2013, is hereby approved, adopted, and made the Order of the Court. The objections of the Petitioner have been considered and are found to be without merit. The Court denies a certificate of appealability as recommended by the Magistrate Judge.

IT IS SO ORDERED, this 25<sup>th</sup> day of June, 2013.

s/Clay D. Land

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CLAY D. LAND  
UNITED STATES DISTRICT JUDGE